




MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Robert D. Andron, General Counsel 
El Paso Water Utilities Public Service Board

DATE: March 16, 2004

SUBJECT: A JOINT USE RESOLUTION OF THE CITY OF EL PASO, TEXAS AND THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD TO PROVIDE THAT AN EXISTING CITY DRAINAGE EASEMENT BE USED FOR DRAINAGE AND WATER AND SEWER SERVICE FOR PLEASANT HILLS SUBDIVISIONS FOUR AND EIGHT BEING PART OF BLOCK 4, PLEASANT HILLS SUBDIVISION FOUR, EL PASO, EL PASO COUNTY, TEXAS, BETWEEN PLEASANT SAND DRIVE AND PLEASANT HILLS DRIVE, SOUTH OF PATRIOT FREEWAY (District #4)

CONSENT AGENDA – City Council Meeting, Tuesday, March 23, 2004

On January 14, 2004, the El Paso Water Utilities Public Service Board passed a joint resolution requesting that an existing City drainage easement be used for drainage and water and sewer service for Pleasant Hills Subdivisions Four and Eight. The City of El Paso owns this existing drainage easement (approximately 15' x 110') and the El Paso Water Utilities Public Service Board desires to utilize this drainage easement to provide extensions of 8" water and 8" sewer service to Pleasant Hills Unit Eight Subdivision. This easement is located between Pleasant Sand Drive and Pleasant Hills Drive just south of Patriot Freeway being in a portion of land between Lots 17 & 18, Block 4, Pleasant Hills Unit Four Subdivision, El Paso County, Texas, which is located in District #4.

I will attend the City Council meeting to answer any questions concerning this item. In the meantime, please call me if you need additional information.

Thank you.

cc: Jim Martinez, Chief Administrative Officer
Adrian Ocegueda, Executive Assistant to the Mayor
Lisa Elizondo, City Attorney
Richarda Duffy Momsen, City Clerk
Nicholas Costanzo, Assistant General Manager, PSB
Bert Juarez, Chief Technical Officer, PSB
Jose Lares, Engineering Section Chief, PSB
Frank Provencio, Right-of-Way Agent, PSB

CITY OF EL PASO
2004 MAR 27 AM 8 36

JOINT USE RESOLUTION

A JOINT USE RESOLUTION OF THE CITY OF EL PASO, TEXAS AND THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD TO PROVIDE THAT AN EXISTING CITY DRAINAGE EASEMENT BE USED FOR DRAINAGE AND WATER AND SEWER SERVICE FOR PLEASANT HILLS SUBDIVISIONS FOUR AND EIGHT BEING PART OF BLOCK 4, PLEASANT HILLS SUBDIVISION FOUR, EL PASO, EL PASO COUNTY, TEXAS, BETWEEN PLEASANT SAND DRIVE AND PLEASANT HILLS DRIVE, SOUTH OF PATRIOT FREEWAY.

WHEREAS, the City of El Paso (City) owns an existing drainage easement being a fifteen foot wide, one hundred ten foot long, tract of land, a portion of Block 4, Pleasant Hills Unit Four Subdivision of record in Volume 60, Page 23, Plat Records, City of El Paso, El Paso County, Texas; and,

WHEREAS, the El Paso Water Utilities Public Service Board (PSB) desires to utilize the City drainage easement to provide water and sewer service to Pleasant Hills Unit Eight Subdivision; and,

WHEREAS, the City finds that the granting of the joint use of the City's drainage easement is an efficient and cost effective use of City assets to provide a beneficial use for the named subdivision; and,

WHEREAS, the City also finds that the joint use of the City's drainage easement will not impair the assets of the City or adversely affect the operations thereof;

NOW THEREFORE, BE IT RESOLVED BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO, THAT:

Section 1. For and in consideration of the public benefits to be derived by the remaining property as a result of the proposed public improvements, the City hereby grants joint use of a permanent drainage easement for public improvements, that is, water and sewer lines to service Pleasant Hills Unit Eight Subdivision, being a tract of land fifteen feet wide and approximately one hundred ten feet long, located out of Block 4, Pleasant Hills Unit Four, City of El Paso, El Paso County, Texas and being between Pleasant Sand Drive and Pleasant Hills Drive, South of the Patriot Freeway.

Section 2. This joint use easement is more particularly described by metes and bounds on Attachment "A" attached hereto and incorporated herein by this reference for all purposes.

Section 3. The rights hereby granted to the PSB include the right to construct, build, install, repair, reconstruct, maintain and operate water and sewer lines with appurtenances and improvements thereto to include the right of access along with ingress and egress as necessary.

Section 4. The PSB may use such portion of the property along and adjacent to the said joint use easement area as may be reasonably necessary in connection with the construction, reconstruction, installation, maintenance, repair, removal or replacement of the facilities described herein provided that the PSB shall be responsible to restore the property to the

condition it was in prior to the PSB's use as may be mutually agreed upon between the City and the PSB.

Section 5. This grant is to have and to hold the described rights and easement jointly between the City and the PSB together with the drainage easement of the City, the rights and appurtenances thereto in any way belonging to the City, its successors and assigns. Such rights and easement shall be covenants running with the land and be binding upon the City, its officers, agents and employees.

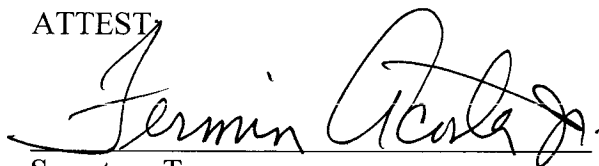
Section 6. Other than the rights and easement granted herein, the City reserves the right to the full use and enjoyment of the property which it owns subject to this easement.

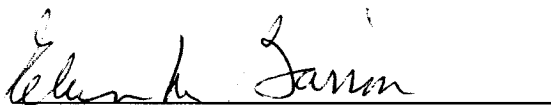
Section 7. The PSB, to the extent permitted by state law, will hold harmless, defend and indemnify the City itself against any suits, liabilities, claims, demands or damages, including but not limited to personal injuries, property damage and reasonable attorney's fees arising from the PSB's use and exercise of its easement rights granted by this document.

PASSED, ADOPTED and APPROVED at a regular meeting of the El Paso Water Utilities Public Service Board of the City of El Paso, Texas, the 14th day of January, 2004. Said meeting being one at which a quorum was present and being held in accordance with the provisions of Vernon's Texas Codes Annotated, Government Code, Sections 551.001, et seq.


**EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD**

ATTEST:


Secretary-Treasurer


Chair

APPROVED AS TO FORM:


Robert D. Andron, General Counsel

PASSED, ADOPTED AND APPROVED, by the City Council of the City of El Paso, Texas, the _____ day of _____, 2004.

CITY OF EL PASO, TEXAS

ATTEST:

Joe Wardy, Mayor

Richarda Duffy Momsen
City Clerk

Being a 15' Drainage Right Of Way,
Out of Block 4, Pleasant Hills Unit Four,
City of El Paso, El Paso County, Texas
Prepared for: Carefree Homes
July 8, 2003

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a 15' Drainage Right Of Way out of Block 4, Pleasant Hills Unit Four as recorded in volume 60, page 23, Plat records City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument lying on the point of intersection centerline Pleasant Hill Drive in front of lot 17, block 4, Pleasant Hills Unit Four Thence North $41^{\circ}06'21''$ West a distance of 50.00 feet to a point on the intersection of the northerly right of way line of Pleasant Hill Dr. with the common boundary line of lot 18, block 4, and the 15' drainage right of way for The "TRUE POINT OF BEGINNING"

Thence along the common boundary line of lot 18, block 4 and a 15 feet drainage right of way North $02^{\circ}37'49''$ West a distance of 109.44 feet to a point on the northerly boundary line of Pleasant Hills Unit Four;

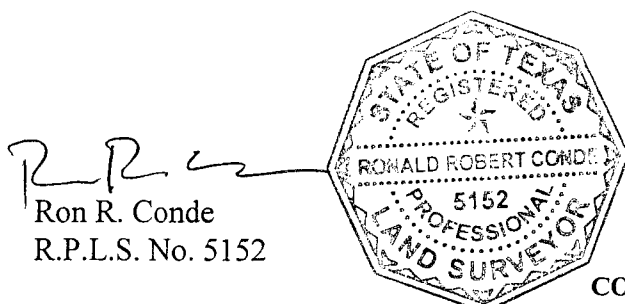
Thence along said boundary line North $77^{\circ}10'16''$ East a distance of 15.24 feet to a point on the common boundary line of lot 17, block 4 and a 15' drainage right of way;

Thence along said common boundary line South $02^{\circ}37'49''$ East a distance of 103.95 feet to a point on the northerly right of way line of Pleasant Hill Dr.

Thence along said right of way line 17.18 feet along the arc of a curve to the left whose radius is 50.00 feet whose interior angle is $19^{\circ}40'54''$ whose chord bears South $58^{\circ}43'59''$ West a distance of 17.09 feet to the "TRUE POINT OF BEGINNING" and containing 1,592.122 Square Feet or 0.0366 acres of land more or less.

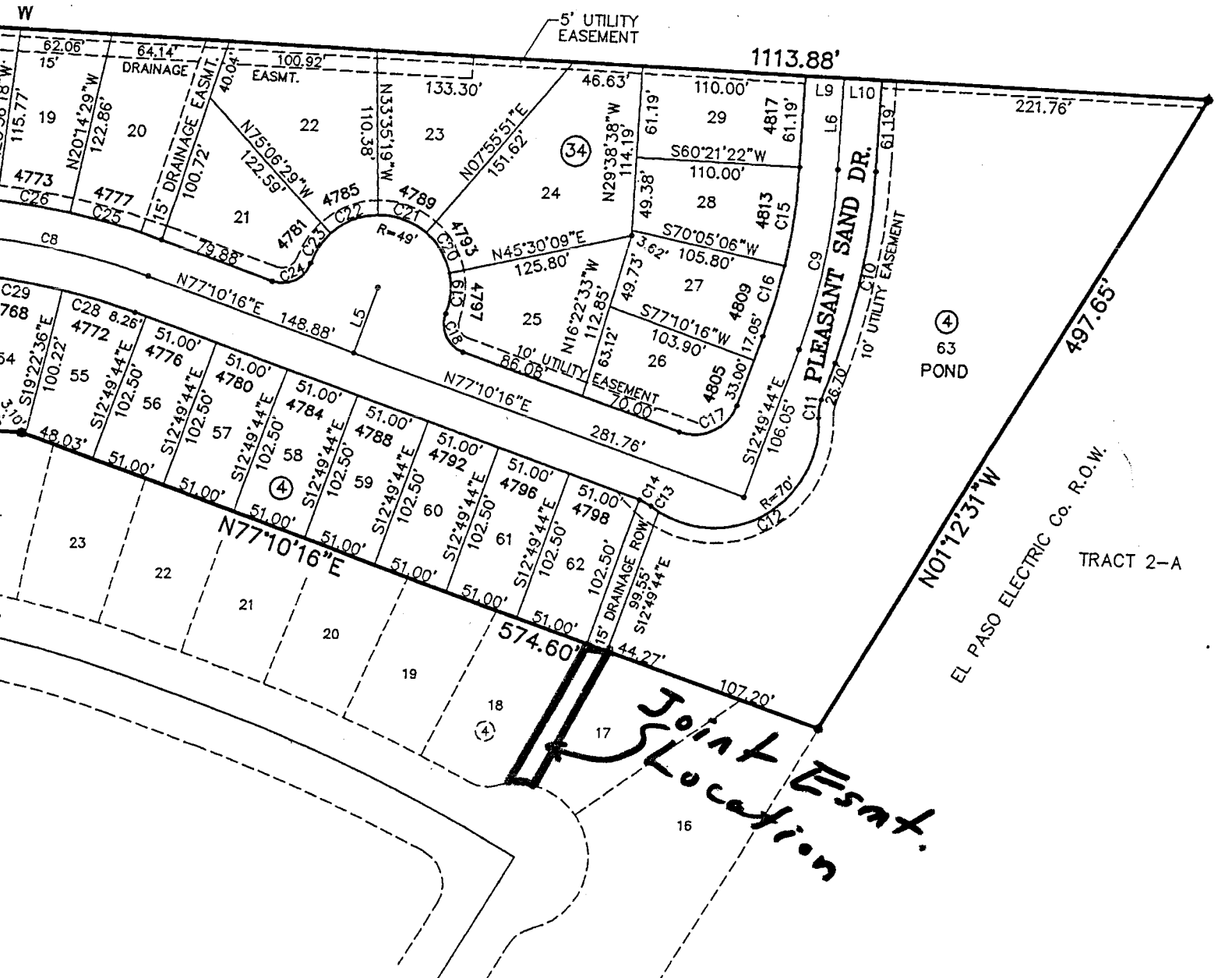
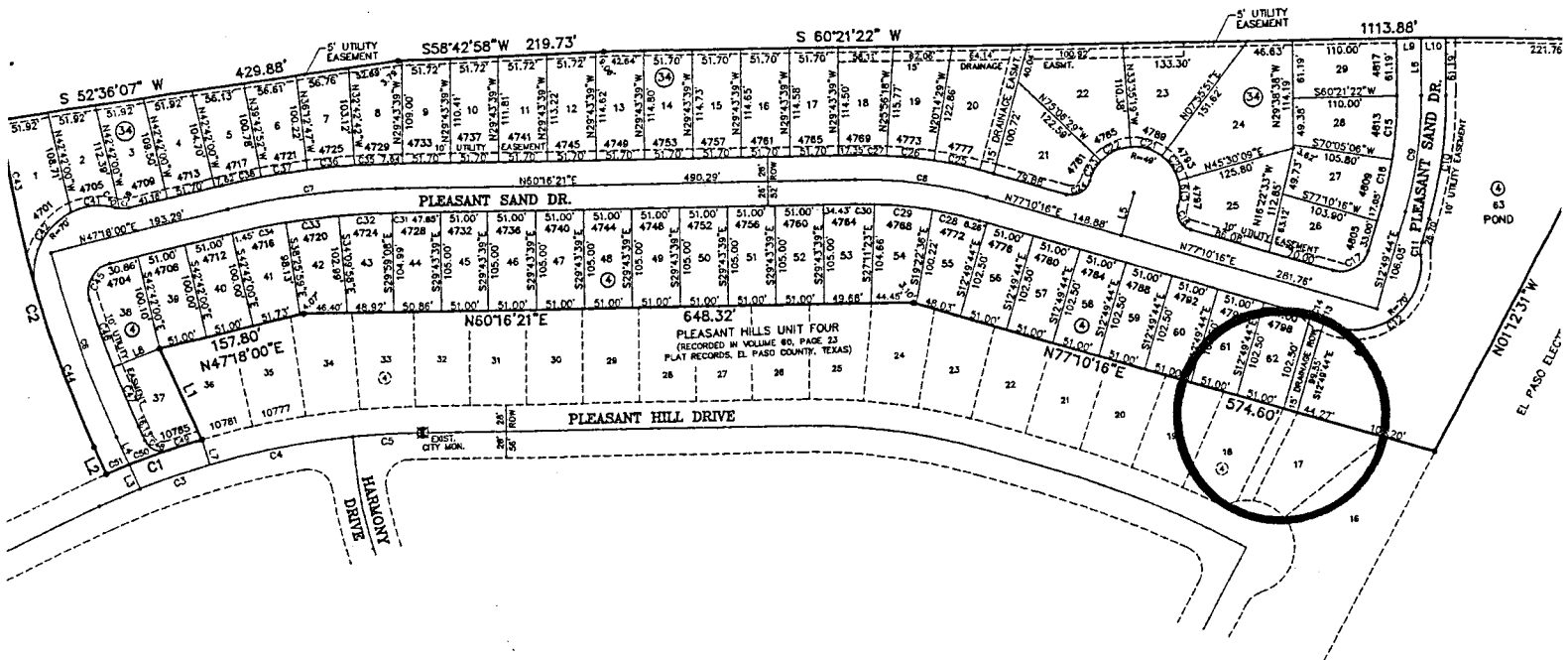
NOTES:

- 1) Not a ground survey description and bearings prepared from record information shown on plat of Pleasant Hills Unit Four recorded in volume 60, page 23, Plat Records of El Paso County, Texas



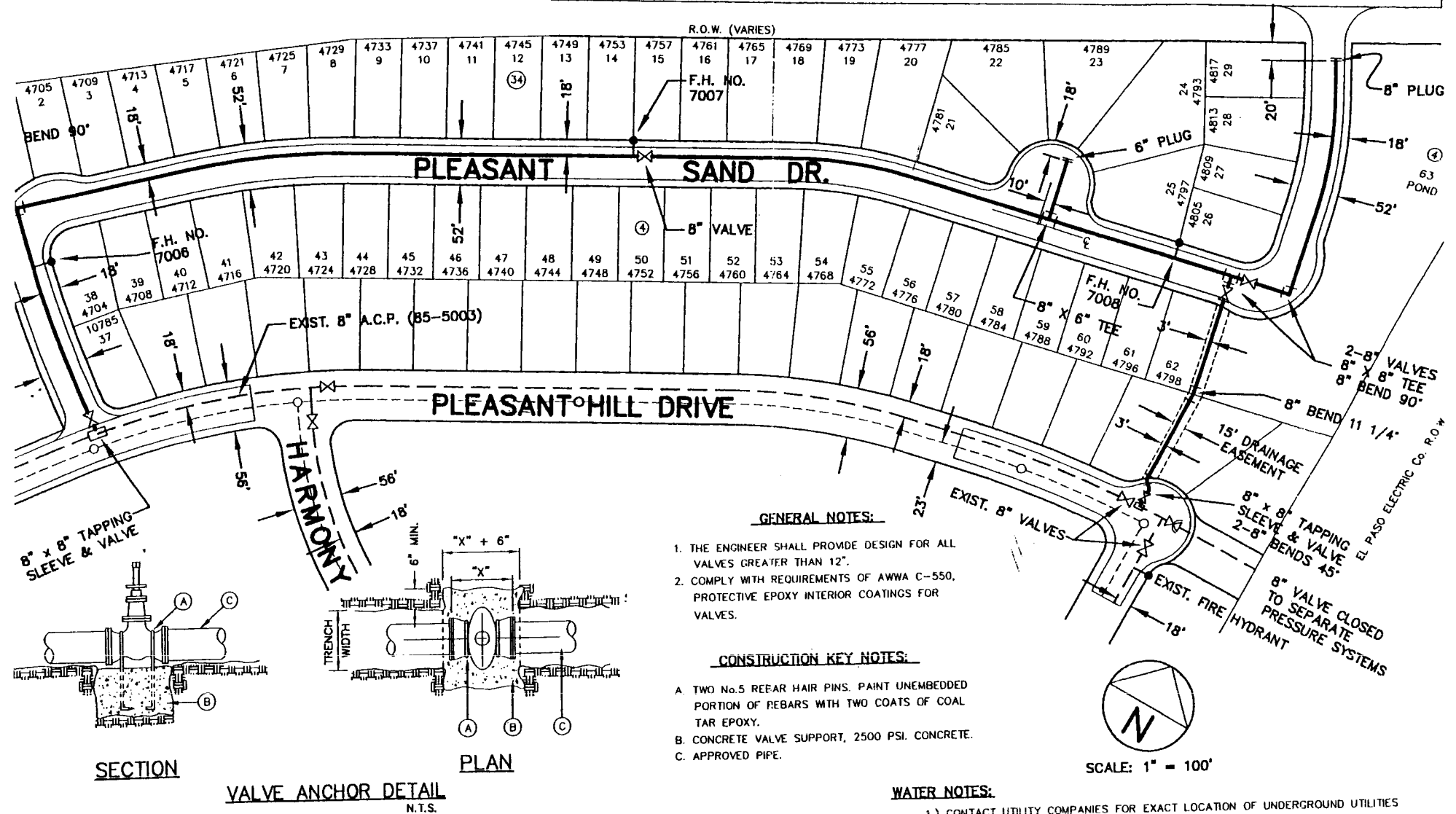
503-48 R.C.
LGL-03\50348.LGL

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79935 / (915) 592-0283



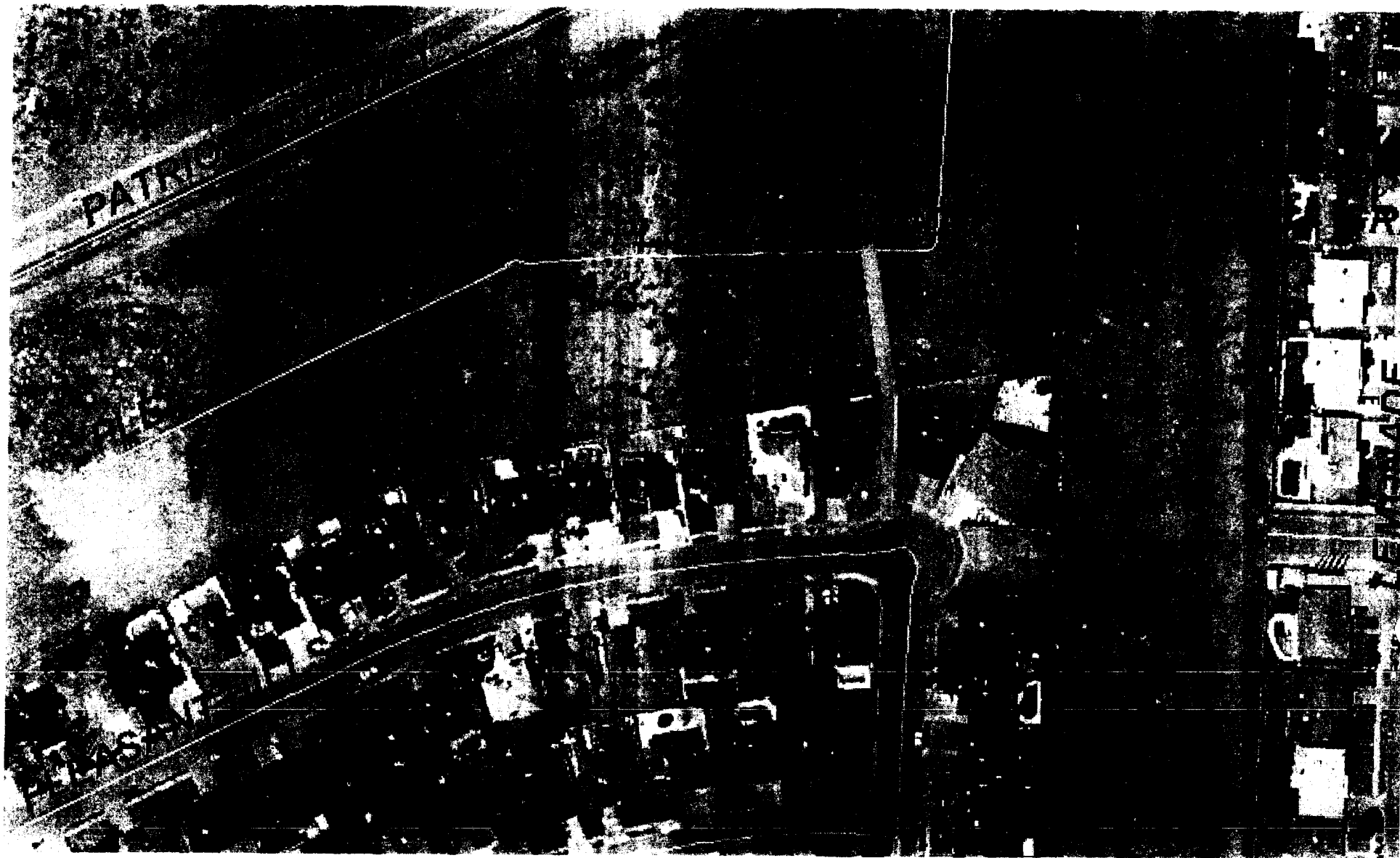
EPWU
Job. No. 03-5067 (Water)

PATRIOT FREEWAY (US 54 HWY)



STREET NAME	LENGTH, SIZE & TYPE OF PIPE
PLEASANT SAND DRIVE	1995 FT. OF 8" P.V.C. (CLASS 200)

LOCATION MAP ONLY



LOCATION MAP ONLY